



# VIRGINIA

## REGISTER OF REGULATIONS

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposed regulation in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety, and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar of Regulations no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*.

If the Governor finds that the final regulation contains changes made after publication of the proposed regulation that have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his

authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

## EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at [register.dls.virginia.gov](http://register.dls.virginia.gov).

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

*The Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **Marcus B. Simon, Chair; Russet W. Perry, Vice Chair; Katrina E. Callsen; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Michael Mullin; Christopher R. Nolen; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade.**

Staff of the Virginia Register: **Holly Trice**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Managing Editor; **Erin Comerford**, Regulations Analyst.

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# PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

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## June 2026 through June 2027

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
42:22	May 27, 2026	June 15, 2026
42:23	June 10, 2026	June 29, 2026
42:24	June 24, 2026	July 13, 2026
42:25	July 8, 2026	July 27, 2026
42:26	July 22, 2026	August 10, 2026
43:1	August 5, 2026	August 24, 2026
43:2	August 19, 2026	September 7, 2026
43:3	September 2, 2026	September 21, 2026
43:4	September 16, 2026	October 5, 2026
43:5	September 30, 2026	October 19, 2026
43:6	October 14, 2026	November 2, 2026
43:7	October 28, 2026	November 16, 2026
43:8	November 10, 2026 ( <b>Tuesday</b> )	November 30, 2026
43:9	November 23, 2026 ( <b>Monday</b> )	December 14, 2026
43:10	December 9, 2026	December 28, 2026
43:11	December 21, 2026 ( <b>Monday</b> )	January 11, 2027
43:12	January 5, 2027 ( <b>Tuesday</b> )	January 25, 2027
43:13	January 20, 2027	February 8, 2027
43:14	February 3, 2027	February 22, 2027
43:15	February 17, 2027	March 8, 2027
43:16	March 3, 2027	March 22, 2027
43:17	March 17, 2027	April 5, 2027
43:18	March 31, 2027	April 19, 2027
43:19	April 14, 2027	May 3, 2027
43:20	April 28, 2027	May 17, 2027
43:21	May 12, 2027	May 31, 2027
43:22	May 26, 2027	June 14, 2027
43:23	June 9, 2027	June 28, 2027

\*Filing deadlines are Wednesdays unless otherwise specified.

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# PETITIONS FOR RULEMAKING

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

#### Agency Decision

Title of Regulation: **4VAC20-1270. Pertaining to Atlantic Menhaden.**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Name of Petitioner: Tanya O'Connor.

Nature of Petitioner's Request: The petitioner requests that the commission:

1. Grant this petition by adopting a temporary moratorium on purse-seine reduction fishing for menhaden within the Chesapeake Bay and initiating rulemaking to amend 4VAC20-1270-35.

2. Maintain the moratorium until the commission has affirmatively demonstrated, on the administrative record, compliance with all applicable statutory and public-trust obligations, including that the commission has:

a. Determined bay-specific menhaden abundance and bay-specific ecological dependence, including the needs of predator species, juvenile life stages, and dependent fisheries within the Chesapeake Bay, consistent with § 28.2-201 and subdivision 2 of § 28.2-203 of the Code of Virginia;

b. Demonstrated, on the administrative record, compliance with the mandatory requirements of § 28.2-204.1 of the Code of Virginia by evaluating, before authorizing industrial menhaden removal, the impacts on species and fisheries, age structure, and the abundance of the resource;

c. Demonstrated compliance with all fishery management standards set forth in § 28.2-203, including: (i) prevention of overfishing while achieving optimum yield (subdivision 1); (ii) reliance on the best scientific, economic, biological, and sociological information available (subdivision 2); (iii) management of individual and interrelated stocks as a unit, including forage-dependent predator species (subdivision 3); (iv) fair, equitable, and non-discriminatory management measures that do not grant excessive fishing privileges (subdivision 4); (v) promotion of efficient utilization of fishery resources without economic allocation as the sole purpose (subdivision 5); (vi) consideration of variations among and contingencies in fisheries, fishery resources, and catches (subdivision 6); and (vii) minimization of unnecessary regulatory burdens while still achieving conservation objectives (subdivision 7);

d. Demonstrated compliance with § 28.2-204 of the Code of Virginia by obtaining or commissioning necessary fisheries data and implementing independent monitoring,

verification, and enforcement mechanisms sufficient to ensure compliance with any future authorization of industrial menhaden removals, including verification of landings, bycatch, juvenile impacts, and cumulative removals across fisheries; and

e. Demonstrated satisfaction of interstate conservation responsibilities, including documented evaluation of cross-jurisdictional ecological and economic impacts within the Chesapeake Bay, consistent with Virginia's obligations under the Atlantic States Marine Fisheries Compact (§ 28.2-1000 of the Code of Virginia), which is an interstate marine fisheries compact.

The petitioner does not request a specific numerical quota and requests that no industrial reduction fishing resume until these conditions are satisfied.

Agency Decision: Request denied.

Statement of Reason for Decision: A public comment period was held from January 26, 2026, to February 17, 2026. During that time, the Marine Resources Commission received a total of 1,266 comments through the Virginia Regulatory Town Hall. Of the total comments received, 260 were in support and 896 were in opposition of the petition.

The commission reviewed the petition at its April 21, 2026, meeting. At the meeting, 24 individuals provided public comment, with 12 in favor of supporting the petition and 12 in favor of denying the petition. Following public comment and thorough discussion between associate commissioners, the commission ultimately voted six to two to deny the petition in its entirety.

Agency Contact: Benjamin Foster, Regulatory Coordinator, Marine Resources Commission, 380 Fenwick Road, Building 96, Fort Monroe, VA 23651, telephone (757) 247-2200, or email [benjamin.foster@mrc.virginia.gov](mailto:benjamin.foster@mrc.virginia.gov).

VA.R. Doc. No. PFR26-20; Filed December 31, 2025, 9:25 a.m.

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# PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

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## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **9VAC20-170, Transportation of Solid and Medical Wastes on State Waters**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins June 1, 2026, and ends June 22, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Brent Williams, Environmental Manager II, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 512-7826, or email [brent.williams@deq.virginia.gov](mailto:brent.williams@deq.virginia.gov).

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **9VAC20-190, Litter Receptacle Regulations**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins June 1, 2026, and ends June 22, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Prina Chudasama, Environmental Specialist II, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1530, or email [prina.chudasama@deq.virginia.gov](mailto:prina.chudasama@deq.virginia.gov).

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

#### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **22VAC30-80, Auxiliary Grants Program**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins June 1, 2026, and ends June 22, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Charlotte Arbogast, Senior Policy Analyst and Regulatory Coordinator, Department for Aging and Rehabilitative Services, 5620 Cox Road, Glen Allen, VA 23060, telephone (804) 662-7093, fax (804) 662-7663, or email [charlotte.arbogast@dars.virginia.gov](mailto:charlotte.arbogast@dars.virginia.gov).

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# Periodic Reviews and Small Business Impact Reviews

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## STATE BOARD OF SOCIAL SERVICES

### Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **22VAC40-294, Applications for Public Assistance**. The review will be guided by the principles in Executive Order 19 (2022). The purpose of this review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins June 1, 2026, and ends June 22, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Nikki Clarke Callaghan, Human Services Legislative and Regulatory Affairs, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 389-1396, or email [nikki.callaghan@dss.virginia.gov](mailto:nikki.callaghan@dss.virginia.gov).

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# NOTICES OF INTENDED REGULATORY ACTION

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## TITLE 2. AGRICULTURE

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending **2VAC5-685, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act**. The purpose of the proposed action is to respond to a petition for rulemaking from the public for the agency to subdivide the existing public health pest control category into two subcategories that will each be more narrowly defined than the existing public health pest control certification category.

The regulation establishes 13 categories of certification available to commercial pesticide applicators, specifying that the public health pest control category is for a commercial applicator who will be using or supervising the use of pesticides for the management and control of pests having medical and public health significance and defines these categories by the location or pest to which a pesticide is applied. This category is used by applicators applying pesticides for this purpose in either a public space, including locality-wide, or a private space. Subdividing the public health pest control category will enable a commercial applicator controlling pests of public health significance to train for, be tested on, and meet certification standards that more closely align with the type of pesticide application that the applicator conducts, rather than the broader standards currently required for certification in the public health pest control category.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.2-3906 of the Code of Virginia.

Public Comment Deadline: July 1, 2026.

Agency Contact: Nicole Wilkins, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6559, fax (804) 371-2283, TDD (800) 828-1120, or email [nicole.wilkins@vdacs.virginia.gov](mailto:nicole.wilkins@vdacs.virginia.gov).

VA.R. Doc. No. R26-18; Filed May 5, 2026, 11:10 a.m.

## TITLE 12. HEALTH

### STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Behavioral Health and Developmental Services intends to consider amending **12VAC35-115, Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services**. The purpose of the proposed action is to amend the regulation following a periodic review. The regulations will be amended to update standards and processes, align with the Code of Virginia, and simplify regulatory language for clarity.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 37.2-203 and 37.2-400 of the Code of Virginia.

Public Comment Deadline: July 1, 2026.

Agency Contact: Susan Puglisi, Regulatory Research Specialist, Office of Regulatory Affairs, Department of Behavioral Health and Developmental Services, 1220 Bank Street, Room 411, Richmond, VA 23219, telephone (804) 385-6549, fax (804) 371-4609, TDD (804) 371-8977, or email [susan.puglisi@bhds.virginia.gov](mailto:susan.puglisi@bhds.virginia.gov).

VA.R. Doc. No. R26-8662; Filed May 6, 2026, 2:11 p.m.



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# REGULATIONS

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For information concerning the different types of regulations, see the Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

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## TITLE 1. ADMINISTRATION

### STATE BOARD OF ELECTIONS

#### Final Regulation

**REGISTRAR'S NOTICE:** The State Board of Elections is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 8 of the Code of Virginia, which exempts agency action relating to the conduct of elections or eligibility to vote.

**Title of Regulation:** 1VAC20-100. Ranked Choice Voting (amending 1VAC20-100-10, 1VAC20-100-50).

**Statutory Authority:** § 24.2-673.1 of the Code of Virginia.

**Effective Date:** July 1, 2026.

**Agency Contact:** Steve Koski, Compliance Advisor, Department of Elections, 1100 Bank Street, First Floor, Richmond, VA 23219, telephone (804) 864-8948, or email [steve.koski@elections.virginia.gov](mailto:steve.koski@elections.virginia.gov).

**Background:** Currently Ranked Choice Voting (1VAC20-100) requires the elimination of one candidate in each round of the ranked choice voting (RCV) tabulation process. In races with many candidates, including independents and write-ins, this could lead to extended tabulation during the canvass. To address this issue, many jurisdictions utilize batch elimination of multiple candidates for whom it is mathematically impossible to be elected.

#### Summary:

*The amendments add the option for batch elimination of multiple candidates in a round of instant runoff (single-winner) RCV races where it is mathematically impossible for the eliminated candidates to be elected.*

#### 1VAC20-100-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active ballot" means a ballot that counts toward an active candidate in the current round of counting.

"Active candidate" means a candidate or person who has not been defeated during a round-by-round vote count. In a count that lasts multiple rounds, the number of active candidates will decrease with each round.

"Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

"Duplicate ranking" means a voter has assigned one candidate multiple rankings.

"Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-winner, single transferable vote contest, except in the first-choice ranking tabulation round. The election threshold equals the total valid votes cast for active candidates in the first round of tabulation, pursuant to 1VAC20-100-50 C, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total valid votes cast for active candidates in the first round)/(Seats to be elected+1))+1, with any fraction disregarded.

"First-choice ranking tabulation round" means the stage of tabulation of first-choice rankings completed at each precinct on the voting system, pursuant to 1VAC20-100-50 A.

"Highest-ranked active candidate" means the active candidate assigned to a higher ranking than any other active candidates.

"Inactive ballot" means a ballot that can no longer be counted due to the ballot having no rankings remaining for active candidates.

"Instant runoff voting" means no more than one seat in the office must be filled by the election.

"Mathematically impossible to be elected," with respect to a candidate, means either (i) the candidate cannot be elected because the sum total of all votes credited to that candidate and to all candidates with the same number or fewer number of votes in that round is less than the number of votes credited to the candidate with the next greatest number of votes in that round; or (ii) the candidate has a lower vote total than a candidate described in clause (i) of this definition.

"Maximum possible threshold" means the number of first-choice rankings from active ballots received in the first-choice ranking tabulation round sufficient for a candidate to be elected. The maximum possible threshold equals the total ballots cast for the office, including valid first-choice rankings, undervotes, skipped rankings, or overvotes for the office, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Maximum possible threshold = ((Total ballots cast for the office)/(Seats to be elected+1))+1, with any fraction disregarded.

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# Regulations

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"Ranked choice overvote" means a voter assigned more than one candidate the same ranking.

"Ranked choice undervote" means a voter has left a ranking unassigned.

"Ranked choice voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference; (ii) tabulation of first-choice rankings and votes cast at other rankings is conducted; (iii) if the number of candidates elected after first-choice ranking tabulation is less than the number of offices to be filled, tabulation proceeds in rounds such that in each round either a candidate is elected or the last-place candidate is defeated; (iv) votes for voters' next-ranked candidates are transferred from elected or defeated candidates; and (v) tabulation ends when the number of candidates elected equals the number of offices to be filled. Ranked choice voting is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

"Ranking" means the ordinal number assigned on a ballot to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

"Round" means a stage of the vote tabulation, pursuant to 1VAC20-100-50 B or C, in which a person may be elected or the last ranked person defeated.

"Single transferable vote" means more than one seat in the office must be filled by the election.

"Skipped ranking" means an undervote on a ballot where a voter validly ranks a candidate at a subsequent ranking treated as provided in subdivision 2 of 1VAC20-100-40.

"Surplus fraction" is a number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, (or  $(V-T)/V$ , in which "V" is the elected candidate's vote total and "T" is the election threshold), truncated after four decimal places.

"Surplus vote" means the number of votes a candidate receives beyond the election threshold set for a single transferable vote race.

"Tabulation" means the counting and, where necessary, transferring of votes cast in a ranked choice voting election that occurs in two stages:

1. Determination by voting system in the first-choice ranking tabulation round of first-choice ranking votes cast for each candidate and the creation of a record of votes cast at all ranking choices for each ballot cast.
2. Determination in a round, using the record of votes cast created by the voting system in the first-choice ranking tabulation round, of the votes to be transferred from eliminated candidates to active candidates, of the vote

totals for active candidates after vote transfers, and of whether a candidate has received the number of votes sufficient to be elected.

"Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of one. If a ballot contributes to the election of a candidate under 1VAC20-100-50 C, it receives a new transfer value.

## **1VAC20-100-50. Ranked choice voting tabulation.**

A. First-choice ranking tabulation round. For all elections for an office conducted by ranked choice voting, only first-choice rankings shall be counted in the first-choice ranking tabulation round. If any candidate has a vote total greater than or equal to the maximum possible threshold, that person shall be designated as elected. If the number of candidates whose vote total is equal to or greater than the maximum possible threshold is equal to the number of seats to be filled, those candidates are declared elected and tabulation in additional rounds shall not be conducted. If the number of candidates whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, tabulation shall proceed as set forth in subsections B and C of this section.

B. Instant runoff voting round. For any election for one office conducted by ranked choice voting, each active ballot shall count as one vote in each round for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds with each round proceeding sequentially as follows:

1. If any active candidate has a majority of votes from active ballots in a round of tabulation, that person shall be designated as elected and the tabulation is complete.
2. If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.
3. If more than two active candidates remain and no candidate has a majority of votes on active ballots in a round of tabulation, the active candidate with the fewest votes is defeated, votes for the defeated candidate are transferred to each ballot's highest-ranked active candidate, and a new round begins with subdivision 1 of this subsection.

4. Notwithstanding subdivision 3 b of 1VAC20-100-40, more than one candidate may be defeated in a round by batch elimination, unless batch elimination would result in only one continuing candidate, in which case no batch elimination shall occur.

C. Single transferable vote round. For any election for more than one office conducted by ranked choice voting, each active ballot shall count, at its current transfer value, for the highest-ranked active candidate on that ballot. Tabulation

shall proceed in rounds. Each round proceeds sequentially, until tabulation is complete, as follows:

1. If the sum of the number of elected persons and the number of active candidates is less than or equal to the number of office seats to be filled, then all active candidates are designated as elected, and tabulation is complete. Otherwise, the tabulation proceeds pursuant to subdivision 2 of this subsection.
2. If any active candidate has a number of votes greater than or equal to the election threshold for the contest, that person shall be designated as elected. Each ballot counting for an elected person is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected person, truncated after the fourth decimal place. The transfer value of each ballot cast for an elected candidate must be transferred to the highest-ranked active candidate on that ballot. Each person elected under this subdivision is deemed to have a number of votes equal to the election threshold for the contest in all future rounds and a new round begins pursuant to subdivision 1 of this subsection.
3. If no candidate or person is elected pursuant to subdivision 2 of this subsection, the candidate with the fewest votes is defeated and votes for the defeated candidates shall be transferred at their current transfer value to each ballot's next-ranked active candidate and a new round begins pursuant to subdivision 1 of this subsection.

D. Surplus transfer. If in a round of counting conducted under subsection C of this section, two or more active candidates have a number of surplus votes greater than the election threshold for the contest, the surpluses shall be distributed in rounds in which the largest surplus is distributed first, with any ties resolved by lot as required by § 24.2-674 of the Code of Virginia.

E. Tools, including software, used for tabulation in subsections B and C of this section must be approved for use by the Department of Elections.

VA.R. Doc. No. R26-7994; Filed April 29, 2026, 1:49 p.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Fast-Track Regulation

**Title of Regulation: 12VAC30-10. State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (amending 12VAC30-10-410).**

**Statutory Authority: § 32.1-325 of the Code of Virginia.**

**Public Hearing Information:** No public hearing is currently scheduled.

**Public Comment Deadline:** July 1, 2026.

**Effective Date:** July 16, 2026.

**Agency Contact:** Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, fax (804) 786-1680, TDD (800) 343-0634, or email [meredith.lee@dmas.virginia.gov](mailto:meredith.lee@dmas.virginia.gov).

**Basis:** Section 32.1-325 of the Code of Virginia authorizes the Board of Medical Assistance Services to administer and amend the state plan for medical assistance services and to promulgate regulations necessary to carry out the provisions of Chapter 32.1 of the Code of Virginia. Section 32.1-324 of the Code of Virginia grants the Director of the Department of Medical Assistance Services the authority of the board when it is not in session.

**Purpose:** This action is necessary to protect the public health, safety, and welfare because it clarifies which entity is responsible for fair hearings related to eligibility based on applicable modified adjusted gross income (MAGI) now that Virginia has transitioned from the Federally Facilitated Marketplace to the Virginia state-based exchange (SBE).

**Rationale for Using Fast-Track Rulemaking Process:** Chapter 916 of the 2020 Acts of Assembly created the Health Benefit Exchange Division within the State Corporation Commission to oversee Virginia's transition to an SBE, also referred to as the Virginia Health Benefit Exchange. The SBE went live in November 2023. Now that the SBE is operational, the Health and Human Services appeals entity within the Federally Facilitated Exchange is no longer involved in conducting Medicaid fair hearings with respect to eligibility based on applicable MAGI. The department conducts all de novo fair hearings, regardless of whether they pertain to eligibility based on MAGI. This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because moving to an SBE was legislatively mandated and approved by the Centers for Medicare and Medicaid Services. The department has an established Appeals Division to hear all cases in accordance with state and federal regulations to provide appellants with full due process of law.

**Substance:** The amendments clarify that the department conducts all de novo fair hearings regardless of whether they pertain to eligibility based on MAGI.

**Issues:** The primary advantage of this action to the public and the Commonwealth is that the amendments align the regulation with statute. No changes are being made to the DMAS appeal process itself. There are no disadvantages to the public and the Commonwealth.

**Department of Planning and Budget Economic Impact Analysis:**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19.

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The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.<sup>1</sup>

Summary of the Proposed Amendments to Regulation. The director of the Department of Medical Assistance Services (DMAS) proposes to amend language pertaining to Medicaid fair hearings for applicants and beneficiaries, in part to repeal obsolete language referring to the federally assisted health benefits exchange as it relates to hearings on certain eligibility determinations.

Background. The regulatory language being amended in this action pertains to Medicaid fair hearings, and thereby establishes the appeals authority for Medicaid adverse eligibility determinations. In the current regulation, these appeals include determinations made previously by the federally assisted health insurance exchange. However, Chapter 916 of the 2020 Acts of Assembly<sup>2</sup> created the Health Benefit Exchange Division within the State Corporation Commission (SCC) to oversee the Virginia transition to a state-based exchange (SBE); this is also referred to as the Virginia Health Benefit Exchange. According to DMAS, the SBE went live in November 2023. Now that the SBE is operational, the health and human services appeals entity within the federally facilitated exchange no longer conducts Medicaid fair hearings with respect to eligibility based on applicable modified adjusted gross income (MAGI). Instead, DMAS has been conducting all de novo fair hearings since November 2023, regardless of whether or not they pertain to eligibility based on MAGI. To comport with current practices, this regulatory action removes obsolete language referring to the federally facilitated exchange regarding hearings related to eligibility based on MAGI. It also references the appeals authority presently used by DMAS, which is found in another DMAS regulation (12VAC30-110 through 12VAC30-110-370).

Estimated Benefits and Costs. Because the proposed action would repeal language rendered obsolete by the Virginia transition to the SBE in 2023, no significant economic impact is expected from this regulatory action other than accurately reflecting the current appeals entity for eligible Medicaid recipients based on MAGI.

Businesses and Other Entities Affected. The proposed regulatory change would affect readers of the regulation as it pertains to appropriate appeals authority for eligibility determinations made by the state-based exchange. According to the marketplace open enrollment metrics published by SCC, the number of consumers determined eligible for Medicaid or Family Access to Medical Insurance Security plan via the Marketplace in 2025 was 39,853.<sup>3</sup> The number of exchange-related appeals in 2024 and 2025 was 17 and eight respectively. No Medicaid eligible recipient appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>4</sup> An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.<sup>5</sup> Since the proposed changes do not create any new costs or reduce benefits, an adverse impact is not indicated.

Small Businesses<sup>6</sup> Affected.<sup>7</sup> The proposed amendments do not adversely affect small businesses.

Localities<sup>8</sup> Affected.<sup>9</sup> The proposed amendments do not create costs for localities, nor do they disproportionately affect any locality.

Projected Impact on Employment. The proposed amendments should not affect employment.

Effects on the Use and Value of Private Property. No impact on the use and value of private property nor on real estate development costs is expected.

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<sup>1</sup> Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

<sup>2</sup> <https://legacylis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0916>.

<sup>3</sup> [https://www.marketplace.virginia.gov/sites/default/files/2025-12/Virginia's Insurance Marketplace - PY2025 OE Metrics - 20 25.01.23 \(26\).pdf](https://www.marketplace.virginia.gov/sites/default/files/2025-12/Virginia's%20Insurance%20Marketplace%20-%20PY2025%20OE%20Metrics%20-%2025.01.23%20(26).pdf).

<sup>4</sup> Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

<sup>5</sup> Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

<sup>6</sup> Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

<sup>7</sup> If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

<sup>8</sup> "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>9</sup> Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Department of Medical Assistance Services has reviewed the economic impact analysis prepared by the Department of Planning and Budget and raises no issues with this analysis.

Summary:

*The amendments remove reference to the State Corporation Commission's Health and Human Services appeals entity and clarify that the Department of Medical Assistance Services conducts all de novo fair hearings. The department submitted a state plan amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) that included the fair hearing changes. The SPA was approved on August 7, 2023, and this action incorporates the changes into the regulation.*

**12VAC30-10-410. Hearings for applicants and recipients.**

~~A. The Medicaid agency has a system of hearings that meets all the requirements of 42 CFR 431, Subpart E.~~

The Medicaid agency is responsible for all Medicaid fair hearings. Medicaid fair hearings are de novo proceedings and are conducted pursuant to Part I (12VAC30-110-10 et seq.) of Eligibility and Appeals.

~~B. The entities that conduct fair hearings with respect to eligibility based on applicable modified adjusted gross income (MAGI) are the Department of Medical Assistance Services (DMAS) and the Health and Human Services appeals entity within the Exchange.~~

~~C. The Commonwealth assures the following with respect to delegations of authority to conduct fair hearings regarding eligibility based on MAGI:~~

- ~~1. There is a written agreement between DMAS and the Exchange appeals entity that has been delegated authority to conduct Medicaid fair hearings in compliance with 42 CFR 431.10(d).~~
- ~~2. When authority is delegated to the Exchange appeals entity, individuals who have requested a fair hearing are given the option to have their hearing conducted instead by DMAS.~~
- ~~3. DMAS does not delegate authority to conduct fair hearings to entities other than government agencies that maintain personnel standards on a merit basis.~~
- ~~4. The delegated entity is capable of performing the delegated function.~~

~~D. All fair hearings not related to an eligibility determination based on MAGI are conducted at DMAS.~~

V.A.R. Doc. No. R26-7690; Filed May 12, 2026, 3:29 p.m.



**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

**Forms**

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

Title of Regulation: **18VAC10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations.**

Agency Contact: Joseph Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Perimeter Center, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, or email [joseph.haughwout@dpor.virginia.gov](mailto:joseph.haughwout@dpor.virginia.gov).

FORMS (18VAC10-20)

~~Architect License Application, A416-0401LIC v4 (rev. 3/2026)~~

~~Architect Verification of Examination and Licensure Form, A416-0401ELV v3 (rev. 3/2026)~~

[Architect License Application, A416-0401LIC-v4 \(rev. 5/2026\)](#)

[Architect - Verification of Examination and Licensure Form, A416-0401ELV-v3 \(rev. 5/2026\)](#)

[Architect Experience Verification Form, 0401LIC\\_2018, \(rev. 7/2018\)](#)

~~Architect Client Experience Verification Form, 0401CEXP (rev. 4/2012)~~

[Architect Client Experience Verification Form, 0401CEXP-v2 \(rev. 5/2026\)](#)

[Architect Degree Verification Form, 0401DEG \(rev. 4/2012\)](#)

[Architect License Reinstatement Application, A416-0401REI-v2 \(rev. 8/2025\)](#)

~~Professional Engineer License Application, A416-0402LIC-v8 (rev. 3/2026)~~

[Professional Engineer License Application, A416-0402LIC-v8 \(rev. 5/2026\)](#)

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Professional Engineer License Reinstatement Application, A416-0402REI-v4 (rev. 8/2025)

Professional Engineer and Engineer-in-Training Degree Verification Form, 0402\_20DEG (rev. 4/2012)

~~Engineer Experience Verification Form, A416-0402EXP-v2 (rev. 3/2026)~~

~~Engineer Verification of Examination and Licensure Form, A416-0402\_20ELV-vs3 (rev. 3/2026)~~

~~Engineer in Training Designation Application, A416-0420DES-v8 (rev. 3/2026)~~

[Engineer Experience Verification Form, A416-0402EXP-v2 \(rev. 5/2026\)](#)

[Engineer Verification of Examination and Licensure Form, A416-0402\\_20ELV-v3 \(rev. 5/2026\)](#)

[Engineer-in-Training Designation Application, A416-0420DES-v8 \(rev. 5/2026\)](#)

Course Requirements for Engineering Technology Program, 0402CREQ (rev. 4/2012)

~~Land Surveyor License Application, A416-0403LIC-v4 (rev. 3/2026)~~

[Land Surveyor License Application, A416-0403LIC-v4 \(rev. 5/2026\)](#)

Land Surveyor License Reinstatement Application, A416-0403REI-v2 (rev. 8/2025)

~~Land Surveyor B License Application, A416-0404LIC-v3 (rev. 3/2026)~~

[Land Surveyor B - License Application, A416-0404LIC-v3 \(rev. 5/2026\)](#)

Land Surveyor B License Reinstatement Application, A416-0404REI-v2 (rev. 8/2025)

Land Surveyor and Surveyor-in-Training Degree Verification Form, 0403\_30DEG (rev. 4/2012)

~~Land Surveyor Verification of Examination and Licensure Form, A416-0403\_30ELV-v3 (rev. 3/2026)~~

[Land Surveyor - Verification of Examination and Licensure Form, A416-0403\\_30ELV-v3 \(rev. 5/2026\)](#)

Land Surveyor and Surveyor-in-Training Experience Verification Form, 0403\_30EXP\_2018, (rev. 7/2018)

~~Surveyor Photogrammetrist License Application, A416-0408LIC-v4 (rev. 3/2026)~~

[Surveyor Photogrammetrist License Application, A416-0408LIC-v4 \(rev. 5/2026\)](#)

Surveyor Photogrammetrist Experience Verification Form, 0408EXP\_2018, (rev. 7/2018)

Surveyor Photogrammetrist License Reinstatement Application, A416-0408REI-v3 (rev. 8/2025)

Surveyor Photogrammetrist Degree Verification Form, 0408DEG (rev. 4/2012)

[Surveyor Photogrammetrist Verification of Examination and Licensure Form, 0408elvf \(eff. 4/2012\)](#)

~~Surveyor in Training Designation Application, A416-0430DES-v5 (rev. 3/2026)~~

~~Landscape Architect License Application, A416-0406LIC-v3 (rev. 3/2026)~~

~~Landscape Architect Verification of Examination and Licensure Form, A416-0406ELV-v2 (rev. 3/2026)~~

[Surveyor-in-Training Designation Application, A416-0430DES-v5 \(rev. 5/2026\)](#)

[Landscape Architect License Application, A416-0406LIC-v3 \(rev. 5/2026\)](#)

[Landscape Architect - Verification of Examination and Licensure Form, A416-0406ELV-v2 \(rev. 5/2026\)](#)

Landscape Architect Experience Verification Form for Examination and Comity Applicants, 0406EXP (rev. 4/2012)

Landscape Architect Degree Verification Form, 0406DEG (rev. 4/2012)

Landscape Architect License Reinstatement Application, A416-0406REI-v2 (rev. 8/2025)

~~Interior Designer Certificate Application, A416-0412CERT-v4 (rev. 3/2026)~~

[Interior Designer Certificate Application, A416-0412CERT-v4 \(rev. 5/2026\)](#)

Interior Designer Certificate - Universal License Recognition (ULR) Application, A416-0412UNIV-v3 (8/2025)

~~Interior Designer Verification of Examination and Certification Form, A416-0412ELV-v3 (rev. 3/2026)~~

[Interior Designer - Verification of Examination and Certification Form, A416-0412ELV-v3 \(rev. 5/2026\)](#)

Interior Designer Degree Verification Form, 0412DEG (rev. 4/2012)

Interior Designer Experience Verification Form, 0412EXP\_2018 (rev. 7/2018)

Interior Designer Certificate Reinstatement Application, A416-0412REI-v2 (rev. 8/2025)

~~Business Entity Registration or Reinstatement Application, A416-04BUSREG-v8 (rev. 3/2026)~~

[Business Entity Registration or Reinstatement Application, A416-04BUSREG-v8 \(rev. 5/2026\)](#)

[Business Entity - Place of Business Form, A416-0411BPOB-v1 \(eff. 5/2026\)](#)

[Criminal Conviction Reporting Form, A406-01CCR-v1 \(eff. 5/2015\)](#)

[Disciplinary Action Reporting Form, A406-01DAR-v1 \(eff. 5/2015\)](#)

[Criminal Conviction - Supplemental Form, Requesting an Informal Fact Finding \(IFF\) Conference, A713-01IFF-v1 \(eff. 1/2016\)](#)

VA.R. Doc. No. R26-8661; Filed May 6, 2026, 3:16 p.m.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### Fast-Track Regulation

**Title of Regulation: 18VAC65-20. Regulations Governing the Practice of Funeral Services (amending 18VAC65-20-540, 18VAC65-20-580).**

**Statutory Authority:** § 54.1-2400 of the Code of Virginia.

**Public Hearing Information:** No public hearing is currently scheduled.

**Public Comment Deadline:** July 1, 2026.

**Effective Date:** July 16, 2026.

**Agency Contact:** Corie Tillman Wolf, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4479, fax (804) 527-4471, or email [fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov).

**Basis:** Section 54.1-2400 of the Code of Virginia authorizes the Board of Funeral Directors and Embalmers to promulgate regulations that are reasonable and necessary to effectively administer the regulatory system.

**Purpose:** This action is essential to protect the health, safety, and welfare of citizens because the General Assembly has determined that the provision of funeral services must be regulated by the board in order to protect the health, safety, and welfare of the public.

**Rationale for Using Fast-Track Rulemaking Action:** This action is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the amendments reduce requirements for establishments that do not perform certain services, making compliance with board regulations easier.

**Substance:** The amendments (i) exempt funeral establishments where embalming is not performed from maintaining certain items used exclusively for embalming in preparation rooms; (ii) clarify that funeral establishments with more than one location are not required to maintain more than one preparation room; (iii) require rubber gloves for all individuals in the preparation room; and (iv) clean up language.

**Issues:** The primary advantage to the public is increased choice in funeral establishments and services. More funeral

establishments may be licensed because of this change, since not equipping a preparation room with embalming equipment currently constitutes an inspection violation. The disadvantage to the public is that not all funeral homes will be equipped to embalm bodies. There are no primary advantages or disadvantages to the agency or the Commonwealth.

#### Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.<sup>1</sup>

**Summary of the Proposed Amendments to Regulation.** In response to a petition for rulemaking,<sup>2</sup> the Board of Funeral Directors and Embalmers (board) proposes to no longer require funeral establishments, where embalming services are not offered, to maintain preparation room supplies and equipment related exclusively to the practice of embalming.

**Background.** Under the current regulations, all funeral establishments are required to maintain preparation room supplies and equipment related exclusively to the practice of embalming, regardless of whether they perform embalming. However, the petitioner notes that some funeral homes do not practice embalming under their religious guidelines, and there may be cremation only establishments. In response to the petition, the board proposes to exempt establishments that do not perform embalming services from the preparation room equipment requirements related to the practice of embalming (i.e., 18VAC65-20-580).

**Estimated Benefits and Costs.** Under the proposal, funeral establishments that do not offer embalming services would no longer be required to maintain preparation room supplies and equipment for embalming. The establishments that do not offer embalming services, but currently have preparation room supplies and equipment dedicated to embalming, would be able to dispose of or repurpose such supplies and equipment. Those establishments that do not offer embalming but are currently required but also are out of compliance with this requirement; or those that would obtain licensure in the future would not be forced to incur costs related to preparation room supplies and equipment. However, there are no data on the number of funeral establishments that may benefit from this change, nor is there any estimates on the magnitude of potential benefits for no longer requiring embalming room supplies and equipment from those establishments that do not offer embalming.

**Businesses and Other Entities Affected.** The proposed changes apply to 433 licensed funeral establishments in the Commonwealth.<sup>3</sup> There are no data on the number of funeral establishments that do not offer embalming. No regulated entity is expected to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>4</sup> An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.<sup>5</sup> The proposal is expected to benefit funeral establishments that do not offer embalming services. Since there is no expected increase in

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costs nor a reduction in benefits for any entity, no adverse impact is indicated.

Small Businesses<sup>6</sup> Affected.<sup>7</sup> The proposed amendments do not appear to adversely affect small businesses.

Localities<sup>8</sup> Affected.<sup>9</sup> The proposed amendments are neither expected to introduce costs for localities nor to affect any locality disproportionately.

Projected Impact on Employment. The proposed amendments are not expected to affect total employment.

Effects on the Use and Value of Private Property. The reduced compliance costs from no longer being required to maintain preparation room supplies and equipment for embalming should add to asset values of funeral establishments that do not offer embalming. No impact on real estate development costs is expected.

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<sup>1</sup> Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

<sup>2</sup> <https://townhall.virginia.gov/L/ViewPetition.cfm?petitionId=416>.

<sup>3</sup> See Page 4 at <https://www.dhp.virginia.gov/about/stats/2026Q2/04CurrentLicenseCountQ2FY2026.pdf>.

<sup>4</sup> Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

<sup>5</sup> Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

<sup>6</sup> Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

<sup>7</sup> If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

<sup>8</sup> "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>9</sup> Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

**Agency Response to Economic Impact Analysis:** The Board of Funeral Directors and Embalmers concurs with the economic impact analysis prepared by the Department of Planning and Budget.

**Summary:**

*The amendments exempt certain funeral establishments where embalming services are not performed from certain preparation room requirements related exclusively to the practice of embalming. The action also clarifies that a funeral establishment with multiple locations is not required to maintain more than one preparation room.*

**18VAC65-20-540. Preparation room requirements.**

A. ~~Every~~ A funeral service establishment ~~at which embalming of dead human bodies is performed~~ shall have at least one room used exclusively for embalming or preparation of the body for burial, transportation, or other disposition.

B. The following are required of ~~the~~ a preparation room ~~or rooms~~:

1. The walls shall extend floor to ceiling;
2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and
3. The material shall extend from wall to wall with all joints tight and sanitary.

C. All functions connected with embalming shall be performed within the preparation room.

D. A funeral service establishment with more than one location at which it performs funeral services shall not be required to maintain more than one preparation room.

**18VAC65-20-580. Preparation room equipment.**

A. The preparation room ~~or rooms~~ shall be equipped with:

1. A ventilation system ~~which~~ that operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass, or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization or disinfection of reusable instruments by chemical bath or soak; an autoclave (steam); or ultraviolet light;

8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each ~~embalmer, intern, or student individual~~ using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit; that is immediately accessible; either in the preparation room or outside the door to the preparation room.

B. A funeral service establishment at which no embalming of dead human bodies is performed is not required to maintain embalming supplies or equip the preparation room with the items in subdivision A 6 of this section.

VA.R. Doc. No. R26-8291; Filed May 1, 2026, 12:33 p.m.

**DEPARTMENT OF HEALTH PROFESSIONS**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Department of Health Professions is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 18 of the Code of Virginia, which exempts regulations for the implementation of the Health Practitioners' Monitoring Program, Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 of the Code of Virginia.

**Title of Regulation:** 18VAC76-10. Regulations Governing the Health Practitioners' Monitoring Program for the Department of Health Professions (amending 18VAC76-10-30).

**Statutory Authority:** § 54.1-2516 of the Code of Virginia.

**Effective Date:** July 1, 2026.

**Agency Contact:** Laura Booberg, Program Manager, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 910-5729, or email [laura.booberg@dhp.virginia.gov](mailto:laura.booberg@dhp.virginia.gov).

**Summary:**

*The action eliminates a provision that allows the Health Practitioners' Monitoring Program committee or the committee's designee to permanently bar a participant from re-entry into the program for repeated noncompliance.*

**18VAC76-10-30. Eligibility.**

A. In order to become eligible for the program and to maintain eligibility, an impaired practitioner shall hold a current, active license, certification, a registration issued by a health regulatory board in Virginia, or a multistate licensure privilege, with the exception that an applicant for initial licensure, certification, or registration or for reinstatement shall be

eligible for participation for up to one year from the date of receipt of the application by a health regulatory board.

B. Individuals who are practicing exclusively outside of Virginia shall not participate in the program, except as may be required by specific board order or by permission between party states pursuant to:

1. The Audiology and Speech-Language Pathology Interstate Compact (Article 2 (§ 54.1-2606 et seq.) of Chapter 26 of Title 54.1 of the Code of Virginia);
2. The Counseling Compact (§ 54.1-3500.1 of the Code of Virginia);
3. The Nurse Licensure Compact (Article 6.1 (§ 54.1-3040.1 et seq.) of Chapter 30 of Title 54.1 of the Code of Virginia);
4. The Occupational Therapy Interjurisdictional Licensure Compact (§ 54.1-2956.7:1 of the Code of Virginia);
5. The Physical Therapy Licensure Compact (Article 2 (§ 54.1-3485 et seq.) of Chapter 34.1 of Title 54.1 of the Code of Virginia); or
6. The Psychology Interjurisdictional Compact (§ 54.1-3606.2 of the Code of Virginia).

C. The practitioner shall sign a participation contract and a recovery monitoring contract with the committee. Failure to adhere to the terms of either contract may subject the practitioner to dismissal from the program.

D. A practitioner who has been previously dismissed for noncompliance from this or any other state-sponsored monitoring program may be considered eligible at the discretion of the committee or its designee.

~~E. The committee or its designee may deem a practitioner who has been repeatedly dismissed for noncompliance from the program unable to be monitored and the practitioner as permanently ineligible for re-entry into the program.~~

VA.R. Doc. No. R26-8338; Filed May 1, 2026, 12:28 p.m.

**BOARD OF MEDICINE**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Board of Medicine is claiming an exemption from the Administrative Process Act in accordance with Chapters 553 and 561 of the 2025 Acts of Assembly, which exempt the actions of the board relating to the initial adoption of regulations necessary to implement the provisions of the acts; however, the board is required to provide an opportunity for public comment on regulations prior to their adoption.

**Title of Regulation:** 18VAC85-50. Regulations Governing the Practice of Physician Assistants (amending 18VAC85-50-50; adding 18VAC85-50-51).

**Statutory Authority:** § 54.1-2400 of the Code of Virginia.

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# Regulations

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Effective Date: July 1, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, fax (804) 915-0382, or email [erin.barrett@dhp.virginia.gov](mailto:erin.barrett@dhp.virginia.gov).

Summary:

*Pursuant to Chapters 553 and 561 of the 2025 Acts of Assembly, the amendments add a licensure by endorsement pathway for physician assistants.*

**18VAC85-50-50. ~~Licensure: entry requirements and application~~ Initial licensure.**

~~A.~~ The applicant seeking initial licensure as a physician assistant shall submit:

1. A completed application and fee as prescribed by the board.
2. Documentation of successful completion of an educational program as prescribed in § 54.1-2951.1 of the Code of Virginia.
3. Documentation of passage of the certifying examination administered by the National Commission on Certification of Physician Assistants.
4. If licensed or certified in any other jurisdiction, verification that there has been no disciplinary action taken or pending in that jurisdiction.

~~B. The board may issue a license by endorsement to an applicant for licensure if the applicant (i) is the spouse of an active duty member of the Armed Forces of the United States or the Commonwealth, (ii) holds current certification from the National Commission on Certification of Physician Assistants, and (iii) holds a license as a physician assistant that is in good standing, or that is eligible for reinstatement if lapsed, under the laws of another state.~~

**18VAC85-50-51. Licensure by endorsement requirements.**

An applicant for licensure by endorsement shall submit the following:

1. Evidence of a current, active license in a United States jurisdiction or Canada that is in good standing;
2. A completed application and fee;
3. Evidence of current certification issued by the NCCPA; and
4. A current report from the National Practitioner Data Bank.

VA.R. Doc. No. R26-8595; Filed May 12, 2026, 4:01 p.m.

## Final Regulation

**REGISTRAR'S NOTICE:** The Board of Medicine is claiming an exemption from the Administrative Process Act in accordance with Chapters 553 and 561 of the 2025 Acts of Assembly, which exempt the actions of the board relating to the initial adoption of regulations necessary to implement the provisions of the acts; however, the board is required to provide an opportunity for public comment on regulations prior to their adoption.

Title of Regulation: **18VAC85-101. Regulations Governing the Practice of Radiologic Technology (amending 18VAC85-101-27 through 18VAC85-101-40; adding 18VAC85-101-29, 18VAC85-101-45).**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: July 1, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, fax (804) 915-0382, or email [erin.barrett@dhp.virginia.gov](mailto:erin.barrett@dhp.virginia.gov).

Summary:

*Pursuant to Chapters 553 and 561 of the 2025 Acts of Assembly, the amendments add a licensure by endorsement pathway for radiologic technologists.*

**18VAC85-101-27. Educational requirements for radiologist assistants.**

An applicant for initial licensure as a radiologist assistant shall be a graduate of an educational program that is currently recognized by the ARRT for the purpose of allowing an applicant to sit for the ARRT certification examination leading to the Registered Radiologist Assistant credential.

**18VAC85-101-28. ~~Licensure~~ Initial licensure requirements.**

A. An applicant for initial licensure as a radiologist assistant shall:

1. Meet the educational requirements specified in 18VAC85-101-27;
2. Submit the required application, fee, and credentials to the board;
3. Hold certification by the ARRT as an R.T.(R) or be licensed in Virginia as a radiologic technologist;
4. Submit evidence of passage of an examination for radiologist assistants resulting in national certification as ~~an~~ a Registered Radiologist Assistant by the ARRT; and
5. Hold current certification in Advanced Cardiac Life Support (ACLS).

B. If an applicant has been licensed or certified in another jurisdiction ~~as a radiologist assistant or a radiologic~~

technologist, the application shall include verification that there has been no disciplinary action taken or pending in that jurisdiction.

C. An applicant who fails the ARRT examination for radiologist assistants shall follow the policies and procedures of the ARRT for successive attempts.

**18VAC85-101-29. Licensure by endorsement requirements for radiologist assistants.**

An applicant for licensure by endorsement as a radiologist assistant shall submit the following:

1. Evidence of a current, active license in a United States jurisdiction or Canada that is in good standing;
2. A completed application and fee;
3. Evidence of a current, valid certificate issued by the ARRT as an R.T.(R);
4. Evidence of a current certification in Advanced Cardiac Life Support (ACLS); and
5. A current report from the National Practitioner Data Bank.

**18VAC85-101-30. Educational requirements for radiologic technologists.**

An applicant for initial licensure as a radiologic technologist shall be a graduate of an educational program acceptable to the ARRT for the purpose of sitting for the ARRT certification examination.

**18VAC85-101-40. Licensure Initial licensure requirements.**

- A. An applicant for ~~board~~ initial licensure shall:
1. Meet the educational requirements specified in 18VAC85-101-30;
  2. Submit the required application, fee, and credentials to the board; and
  3. Submit evidence of passage of an examination resulting in certification by the ARRT or the NMTCB.
- B. If an applicant has been licensed or certified in another jurisdiction, he shall provide information on the status of each license or certificate held ~~and verification from that jurisdiction of any current, unrestricted license.~~

C. An applicant who fails the ARRT or NMTCB examination shall follow the policies and procedures of the certifying body for successive attempts.

**18VAC85-101-45. Licensure by endorsement requirements for radiologic technologists.**

An applicant for licensure by endorsement as a radiologic technologist shall submit the following:

1. Evidence of a current, active license in a United States jurisdiction or Canada that is in good standing;
2. A completed application and fee;
3. Evidence of a current, valid certificate issued by the ARRT or the NMTCB; and
4. A current report from the National Practitioner Data Bank.

VA.R. Doc. No. R26-8596; Filed May 12, 2026, 3:59 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Board of Medicine is claiming an exemption from the Administrative Process Act in accordance with Chapters 553 and 561 of the 2025 Acts of Assembly, which exempt the actions of the board relating to the initial adoption of regulations necessary to implement the provisions of the acts; however, the board is required to provide an opportunity for public comment on regulations prior to their adoption.

**Title of Regulation:** **18VAC85-110. Regulations Governing the Practice of Licensed Acupuncturists (amending 18VAC85-110-80, 18VAC85-110-90; adding 18VAC85-110-91).**

**Statutory Authority:** § 54.1-2400 of the Code of Virginia.

**Effective Date:** July 1, 2026.

**Agency Contact:** Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, fax (804) 915-0382, or email [erin.barrett@dhp.virginia.gov](mailto:erin.barrett@dhp.virginia.gov).

**Summary:**

*Pursuant to Chapters 553 and 561 of the 2025 Acts of Assembly, the amendments add a licensure by endorsement pathway for acupuncturists.*

**18VAC85-110-80. Examination requirements for licensure.**

The examination requirements for initial licensure shall consist of:

1. Passing the NCCAOM examination, resulting in current, active certification by the NCCAOM at the time the application is filed with the board; and
2. Completing the CNT course as administered by the CCAHM.

**18VAC85-110-90. Test of spoken English requirements.**

A. An applicant applying for initial licensure to practice as an acupuncturist whose native language is not English and whose acupuncture education was also not in English shall submit evidence of having achieved a passing score as acceptable to the board on either the Test of Spoken English (TSE) or the

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# Regulations

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Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Services.

B. An applicant applying for initial licensure to practice as an acupuncturist whose native language is not English and whose acupuncture education was also not in English shall be exempt from the requirement for TSE or TOEFL if the majority of his clients speak the language of the acupuncturist.

## **18VAC85-110-91. Licensure by endorsement.**

An applicant for licensure by endorsement shall submit the following:

1. Evidence of a current, active license in a United States jurisdiction or Canada that is in good standing;
2. A completed application and fee;
3. Evidence of a current, active national certification recognized by the board;
4. Evidence of completion of a CNT course as administered by the CCAHM; and
5. A current report from the National Practitioner Data Bank.

VA.R. Doc. No. R26-8593; Filed May 12, 2026, 4:02 p.m.

## **Final Regulation**

**REGISTRAR'S NOTICE:** The Board of Medicine is claiming an exemption from the Administrative Process Act in accordance with Chapters 553 and 561 of the 2025 Acts of Assembly, which exempt the actions of the board relating to the initial adoption of regulations necessary to implement the provisions of the acts; however, the board is required to provide an opportunity for public comment on regulations prior to their adoption.

**Title of Regulation:** **18VAC85-120. Regulations Governing the Licensure of Athletic Trainers (amending 18VAC85-120-50; adding 18VAC85-120-51).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

**Effective Date:** July 1, 2026.

**Agency Contact:** Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, fax (804) 915-0382, or email [erin.barrett@dhp.virginia.gov](mailto:erin.barrett@dhp.virginia.gov).

### **Summary:**

*Pursuant to Chapters 553 and 561 of the 2025 Acts of Assembly, the amendments add a licensure by endorsement pathway for athletic trainers.*

## **18VAC85-120-50. Requirements for initial licensure.**

An applicant for initial licensure shall submit evidence of meeting the following requirements for licensure on forms provided by the board:

1. A completed application and fee as prescribed in 18VAC85-130-150;
2. Verification of professional activity as required on the application form;
3. Evidence of current NATABOC certification; and
4. If licensed or certified in any other jurisdiction, ~~documentation of practice as an athletic trainer and~~ verification as to whether there has been any disciplinary action taken or pending in that jurisdiction.

## **18VAC85-120-51. Requirements for licensure by endorsement.**

An applicant for licensure by endorsement shall submit the following:

1. Evidence of a current, active license in a United States jurisdiction or Canada that is in good standing;
2. A completed application and fee;
3. Evidence of a current, active national certification recognized by the board; and
4. A current report from the National Practitioner Data Bank.

VA.R. Doc. No. R26-8594; Filed May 12, 2026, 4:04 p.m.

## EXECUTIVE ORDER NUMBER 14 (2026)

### **STRENGTHENING VIRGINIA'S ECONOMIC COMPETITIVENESS**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the Code of Virginia, I hereby announce a holistic approach to economic development in the Commonwealth through the establishment of the Governor's Economic Development Policy Steering Committee and directive for the Virginia Economic Development Partnership ("VEDP") to provide regular recommendations to strengthen Virginia's economic competitiveness.

#### Importance of the Initiative

Virginia's economic strength is foundational to the Commonwealth's affordability, prosperity, and resilience. A robust economy drives job creation, wage growth, innovation, regional vitality, quality of life, and the public revenues necessary to fund education and infrastructure. Continually recognized as a top state for business, the Commonwealth is home to a wealth of unparalleled resources, ranging from its natural beauty to world-class educational institutions and infrastructure as well as Virginia's highly educated and skilled workforce.

Today's economic development landscape is increasingly complex and competitive. Business attraction, expansion, retention, and innovation-driven growth depend on coordinated action across state government, including building a skilled workforce through training and education; investing in reliable transportation and infrastructure; lowering housing, energy, and childcare costs; strengthening site readiness and project financing; and streamlining regulatory processes.

Virginia is in a strong competitive position but must continue to innovate and maintain an unwavering focus on growing our economy, creating economic opportunity for all Virginians, and preparing our communities for the future. Success requires speed and certainty through a shared commitment focused on delivering results for businesses, workers, and communities, ensuring Virginia's affordability, and expanding opportunities across all regions of the Commonwealth.

#### Directive

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby direct the following actions to ensure a holistic approach to economic development across the Commonwealth:

1. Establishing a Cabinet-wide Steering Committee to lead the development of a comprehensive economic

development policy for the Commonwealth; and

2. Directing VEDP to regularly assess Virginia's economic competitiveness and recommend initiatives to strengthen Virginia's competitive position.

Steering Committee for the Comprehensive Economic Development Policy

The Secretary of Commerce and Trade is directed to establish and chair the Economic Development Policy Steering Committee, as required under § 2.2-205 of the Code of Virginia. The Economic Development Policy Steering Committee shall be comprised of the Governor's full Cabinet, with the following Secretaries and Officers serving as committee members:

- Secretary of Administration;
- Secretary of Agriculture and Forestry;
- Secretary of the Commonwealth;
- Secretary of Education;
- Secretary of Finance;
- Secretary of Health and Human Resources;
- Secretary of Labor;
- Secretary of Natural and Historic Resources;
- Secretary of Public Safety and Homeland Security;
- Secretary of Transportation;
- Secretary of Veterans and Defense Affairs;
- Chief Diversity Officer;
- Chief Energy Officer; and
- Chief Transformation Officer.

Support for the Steering Committee shall be provided by the Office of the Governor, the Office of the Secretary of Commerce and Trade, VEDP, the Offices of the Secretariats represented on the Steering Committee and their agencies, and other agencies as may be designated by the Secretary of Commerce and Trade. All executive branch agencies must fully cooperate with the Steering Committee and provide input and assistance as may be requested.

#### Policy Priorities

Virginia has a strong economic foundation as demonstrated by recent investment announcements, improved talent pipelines, and expanded site readiness and infrastructure capacity. But the Commonwealth must continue building on this foundation to maintain Virginia's competitive advantage. That requires increased and intentional cross-Secretariat and cross-agency coordination with businesses and communities focused on three key policy goals:

1. Supercharge Virginia's Business Growth: Build on Virginia's competitive foundation and strategic assets to position the Commonwealth as the nation's premier business destination.

2. Grow an Economy that Delivers for Every Virginian: Ensure that economic growth translates into opportunity for all Virginians—lowering costs, improving access to affordable housing and childcare, expanding career pathways, and ensuring every region of Virginia wins.

3. Lead the Way in a Changing Economy: Position the Commonwealth at the forefront of emerging industries, workforce transformation, and infrastructure modernization to lead in a rapidly changing global economy.

The Steering Committee shall provide a report setting forth the Commonwealth's proposed Comprehensive Economic Development Policy and addressing all three policy goals to the Governor by January 16, 2027.

Directing the Virginia Economic Development Partnership to Conduct Regular Assessments of Virginia's Economic Competitiveness

I hereby direct VEDP to regularly assess Virginia's economic competitiveness and recommend initiatives to strengthen workforce talent solutions, research and development, innovation, infrastructure, housing affordability, alignment between education and business needs, access to childcare, and other critical areas as identified by the Secretary of Commerce and Trade. In developing recommendations, VEDP shall identify opportunities for cross-Secretariat and cross-agency collaboration.

VEDP shall report progress toward this directive regularly to the Secretary of Commerce and Trade.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of May 2026.

/s/ Abigail D. Spanberger, Governor

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# GUIDANCE DOCUMENTS

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## PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

### VIRGINIA FIRE SERVICES BOARD

Title of Document: [Aid to Localities Policy](#).

Public Comment Deadline: July 1, 2026.

Effective Date: July 2, 2026.

Agency Contact: Greg Cavalli, Policy Analyst, Department of Fire Programs, 1005 Technology Park Drive, Glen Allen, VA 23059, telephone (804) 249-4177, or email [gregory.cavalli@vdfp.virginia.gov](mailto:gregory.cavalli@vdfp.virginia.gov).

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# GENERAL NOTICES

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Proposed Enforcement Action for Benedictine Society of Virginia

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Benedictine Society of Virginia for violations of State Water Control Law, regulations, and applicable permit at the Mary Mother of the Church Abbey sewage treatment plant located in Richmond, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Megan Wisdom, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email [megan.wisdom@deq.virginia.gov](mailto:megan.wisdom@deq.virginia.gov).

### Proposed Enforcement Action for Earthcore Industries LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Earthcore Industries LLC for violations of State Water Control Law, regulations, and applicable permit at the Earthcore Industries LLC facility located in Chesapeake, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Katherine Mann, Enforcement Specialist, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email [katherine.mann@deq.virginia.gov](mailto:katherine.mann@deq.virginia.gov).

### Proposed Enforcement Action for HAF Real Estate I LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for HAF Real Estate I LLC for violations of State Water Control Law, regulations, and applicable permit at the Woodstock Commons Phase 2 project located in Woodstock, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Megan Wisdom, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email [megan.wisdom@deq.virginia.gov](mailto:megan.wisdom@deq.virginia.gov).

### Proposed Enforcement Action for Halls Property Management LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Halls Property Management LLC for violations of State Water Control Law, regulations, and applicable permit at the 2884 Lewis B Puller Memorial Highway project located in Saluda, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email [cara.witte@deq.virginia.gov](mailto:cara.witte@deq.virginia.gov).

### Proposed Enforcement Action for HCE Powhatan Solar LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for HCE Powhatan Solar LLC for violations of State Water Control Law, regulations, and applicable permit at the Powhatan Solar project located in Powhatan, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Gary Wooldridge, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email [gary.wooldridge@deq.virginia.gov](mailto:gary.wooldridge@deq.virginia.gov).

### Proposed Enforcement Action for United States Army and BAE Systems Ordnance Systems Inc.

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for the United States Army and BAE Systems Ordnance Systems Inc. for violations of State Water Control Law, regulations, and applicable permit at the United States Army Radford Army ammunition plant located in Radford, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Michelle Callahan, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email [michelle.callahan@deq.virginia.gov](mailto:michelle.callahan@deq.virginia.gov).

## Proposed Enforcement Action for Virginia Electric and Power Company dba Dominion Energy Virginia

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Virginia Electric and Power Company dba Dominion Energy Virginia for violations of State Water Control Law, regulations, and applicable permit at the Dulles Town Center Phase 2 Part 2 facility located in Dulles, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from June 1, 2026, to July 1, 2026.

Contact Information: Katherine Mann, Enforcement Specialist, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email [katherine.mann@deq.virginia.gov](mailto:katherine.mann@deq.virginia.gov).

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

### Public Hearing and Opportunity for Public Comment on Proposed Regulation of Radon Professionals

The Board for Professional and Occupational Regulation (BPOR) is conducting an analysis and evaluation on the proposed regulation of providers of radon services. BPOR received a petition for regulation from the Virginia Chapter of the Indoor Environments Association proposing licensure of (i) radon measurement professionals and (ii) radon mitigation specialists. BPOR is seeking public comment on the petition for regulation.

Comments may be posted in the Virginia Regulatory Town Hall forum associated with this notice or may be submitted directly to BPOR. In addition, BPOR will conduct public hearings **June 16, 2026**, in Board Room 3 and **July 15, 2026**, in Board Room 4 at 10 a.m. at the Department of Professional and Occupational Regulation, Perimeter Center, Suite 200, Richmond, VA 23233. All comments must be received on or before Thursday, July 16, 2026.

See <http://www.dpor.virginia.gov/Boards/BPOR/Radon> for more information on the petition for regulation and the public comment process.

Contact Information: Joe Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, fax (804) 527-4403, or email [joseph.haughout@dpor.virginia.gov](mailto:joseph.haughout@dpor.virginia.gov).

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Contact Information:** *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* [varegs@dls.virginia.gov](mailto:varegs@dls.virginia.gov).

**Meeting Notices:** Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <https://commonwealthcalendar.virginia.gov>.

**Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed:** A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

**Filing Material for Publication in the *Virginia Register of Regulations*:** Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

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## General Notices

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